

### REMARKS

Applicants amended claims 1 and 5, and cancelled claims 2-4. No new matter is added. Applicants present claims 1, 5-10, 17, 25-27, 29-39 for examination.

The Examiner rejected claims 1-10, 17, 25-27, 29-39 under 35 U.S.C. §102(e) as being anticipated by one or both of US Patent No. 7,449,236 ("Lanphere") and/or US Patent No. 7,588,780 ("Buiser"), and/or under 35 U.S.C. §103(a) as being unpatentable over Lanphere and/or Buiser.<sup>1</sup>

As amended, 1, 5-10, 17, 25-27, 29-39 cover particles that includes a shape memory including an alloy.

Lanphere does not disclose such a particle. Nor would it have been obvious to one skilled in the art to modify Lanphere to provide particle that includes a shape memory material including an alloy. To the contrary, Lanphere is focused on polymer particles, and unique methods for obtaining such polymer particles. *See, e.g.*, Lanphere, col. 1, line 20-col. 2, line 60, col. 7, line 52-col. 12, line 60 and Figs. 3A-4. According to Lanphere, such particles have various advantages. *See, e.g., id.*, col. 3, line 57-col. 4, line 12 and col. 5, lines 16-59. Thus, after reading Lanphere, it would not have been obvious to modify her polymer particles to provide the particles covered by claims 1, 5-10, 17, 25-27, 29-39.

Buiser does not disclose a particle that includes a shape memory including an alloy. Nor would it have been obvious to one skilled in the art to modify Buiser to provide such a particle. To the contrary, Buiser, like Lanphere, focused on polymer particles, and unique methods for obtaining such polymer particles. *See, e.g.*, Buiser, col. 1, line 24-col. 2, line 55, col. 6, line 26-col. 9, line 52 and Figs. 3A-4. According to Buiser, such particles have various advantages. *See, e.g., id.*, col. 3, lines 12-35 and col. 4, lines 36-52. Thus, after reading Buiser, it would not have been obvious to modify her polymer particles to provide the particles covered by claims 1, 5-10, 17, 25-27, 29-39.

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<sup>1</sup> Applicants cancelled claims 2-4, so the rejection of these claims should be withdrawn.

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Respectfully submitted,

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